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ABSTRACT

The great waves of foreign immigration, the onset of rapid industrialization, the emergence of an urban working class--all features of the post Civil War United States that might have contributed to rising crime rates--did not. Ted Robert Gurr suggests that a growth of the "civilizing process" occurred in which people turned away from violence and internalized or displaced aggressive impulses. The process began among upper socio-economic groups and was given institutional expression in various reform movements. Beginning in the 1920s, the educated classes in America repudiated moral improvement as it had been defined during the preceding century. Child rearing views began to change in the 1920s. Character development was replaced with personality development. By the 1960s, the baby boom generation had come of age. The psychology of radical individualism and the philosophy of individual rights triumphed. The factors that most directly influence crime (family structure, moral development, the level of personal freedom) are the very things that U.S. citizens do not easily change or, for persuasive reasons, do not wish to change. Law becomes more important as informal social control becomes less important. Thousands of neighborhood organizations and civic enterprises have emerged from a desire to reduce crime by direct popular action. This recourse to informal communal action has grown out of a reaffirmed allegiance to a communal theory of social control. (SM)

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Crime and American Culture

James Q. Wilson

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Crime and American Culture

James Q. Wilson

Ethics and Public Policy Center • Washington, D.C.

Foreword

THE BALANCE OF HARD FACT and thoughtful analysis in this essay makes it a significant contribution to understanding crime in America today. Unlike studies that simplistically blame "society" and especially economic factors for crime, this author's historical, cultural, and philosophical examination emphasizes early character training in the home, the school, the church, and other institutions as an effective means of promoting civic virtue.

In the nineteenth century, children were instructed in religion, morals, and right conduct. Religious revivals, dynamic Sunday schools, and the early YMCA, temperance, and other movements reinforced the moral influence of parents and teachers. Around the turn of the century, however, character-building efforts gave way to an individualism that eventually spawned the "me generation" of the 1960s. For example, a survey of three women's journals over the period 1890-1910 found that one-third of the articles on child-rearing focused on character formation; by 1920, only 3 per cent of articles on child-rearing had a similar focus.

In the twenties, this shift toward assertive individualism was confined mainly to the elite, and, the author notes, the hardships of the Great Depression "produced no significant increase in crime and may even have produced a decrease." What is distinctive about the contemporary period, he says, is "the collapse of the Victorian popular culture and of the moral legitimacy of the institutions embodying it. The psychology of radical individualism and the philosophy of individual rights has triumphed." One result of this triumph is the widespread assumption that very little can be done to prevent crime: "Today, and for the past few decades, enlightened people scoff at moral uplift, reject temperance as an effort of bluenoses, and are skeptical (with good reason) about the prospects of using prisons (or much of anything else) for rehabilitating offenders. Having replaced the Victorian commitment to controlling impulses with the modern commitment to individual choice, both liberal and conservative students of crime have turned their attention to

finding better ways of manipulating the incentives facing individuals who might choose crime."

This rich, subtle, and provocative essay affirms that values do have consequences and that the commitment to moral discipline in the home, school, and society as a whole significantly restrains criminal behavior.

James Q. Wilson is a professor of government at Harvard. He read an earlier version of this essay at the Tocqueville Forum at Wake Forest College. A frequent contributor to *The Public Interest*, Mr. Wilson is the author of *Thinking About Crime* (1975), *The Politics of Regulation* (1980), *American Government: Institution and Policies* (1980), and several other books.

A related essay on a highly controversial topic, *Is Capital Punishment Just?* by Ernest van der Haag, is available as Center Reprint 11.

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ERNEST W. LEFEVER, *President*
Ethics and Public Policy Center

March 1983

Crime and American culture

JAMES Q. WILSON

We often get better answers by asking better questions. In no area of inquiry are we more in need of better answers than in the effort to explain the relationship between crime and the conditions of American life. For decades we have argued about whether crime rates have gone up because of economic deprivation, family disintegration, population changes, or judicial leniency. Those who claim that deprivation causes crime can point to the fact that street crime is more common in poor than in privileged neighborhoods, but they have difficulty explaining why, in the nation as a whole, crime rates seemed to have been stable or declining during the Great Depression and to have risen sharply during the prosperity of the 1960s. Those who argue that family disintegration leads to crime may take comfort from evidence adduced by some scholars that broken homes are more likely to produce delinquent boys, but they can take scant comfort from the work of other scholars that finds no relationship between single-parent families and crime. Though it seems clear that a rising proportion of young males in the population—such as resulted from the baby boom of the 1950s—will lead to an increase in crime, it is not at all clear why the age-specific crime rate (that is, the number of crimes committed by young males of a given age) has also increased—so much so that a delinquent boy born in Phi-

ladelphia in 1958, was *five times* more likely to commit a robbery than one born in that city in 1945. It is quite possible that changes in the certainty, celerity, or severity of punishment affect the crime rate, but there are some formidable methodological obstacles lying in wait for anyone seeking to prove this.

Instead of trying to explain why crime rates go up, and especially why they go up during a relatively short period of time, let us ask why they go down and remain down for a relatively long period of time. The latter is, in one sense, the more natural question, for unless one believes in the inherent innocence of human nature, what one must explain is how people ever manage to form societies that are not shot through with criminality. The difficulty with asking such a question is that we have not had very good crime statistics until the last few decades, and during most of this time crime has been going up, not down. If we are to search for periods in our history when crime was stable or declining, we must rely on inaccurate, fragmentary, often inconsistent data. Until recently, even that was unavailable, but now, thanks to the work of historians (such as Ted Robert Gurr, Roger Lane, Eric Monkkonen, and others), we can draw on quite a large number of studies of crime rates during the nineteenth and early-twentieth centuries, and these can be supplemented by studies in other nations that have kept better records. No single study alone would be decisive, but what is impressive about the findings we now have is that different scholars, using different methods and investigating different cities and states, have come to conclusions that are, with only a few exceptions, quite consistent.

Crime in the new nation

On the eve of the Revolutionary War, many colonists—and not only Tories—feared that if rebellion came, "the bands of society would be dissolved, the harmony of the world confounded, and the order of nature subverted."[1] Crime and disorder would surely accompany any challenge to authority, especially one involving a resort to arms.

This did not happen—not, at least, during or just after the war. William E. Nelson, analyzing the records of seven populous Massachusetts counties, found an average of 23 prosecutions for theft each year before 1776, and 24 a year in the five years after 1776, hardly indicative of any crime wave. When the framers of the Constitution gathered in Philadelphia in 1787, crime was not an

important issue. The small towns and villages of which the infant republic was composed seemed quite able, by using public opinion to enforce a communal consensus, to maintain an orderly society (save for the disruptions occasioned by political protest, such as Shays's Rebellion).

The vision of a tranquil community life on which the new constitutional order could depend was soon destroyed by a sharp rise in crime and disorder in American cities. Though the statistics are inadequate, it seems clear from the best historical inquiries that about the time Andrew Jackson was assuming the presidency, crime rates went up and stayed up through the 1830s and 1840s.[2] All this was what Jeffersonian critics of urbanization had feared. The small communities of pre-revolutionary Amercia that had controlled behavior by a combination of moral tutelage, reciprocal obligations, and public humiliations, were giving way to the individualistic and libertine life-styles of the big cities. By 1830 New York City had a quarter million inhabitants, and its city fathers were beginning to worry about crime and violence.

But then a striking thing happened, something totally at odds with conventional theories that urbanization or urban problems automatically produce crime. The facts are hard to reconstruct from the available data, but so far as we can tell, the level of crime and public disorder in America began to decrease (or at least to level off) beginning about the middle of the nineteenth century and continuing, with some minor ups and downs, into the twentieth century. The great waves of foreign immigration, the onset of rapid industrialization, the emergence of an urban working class—all the features of postbellum America that might have contributed to rising crime rates did not, in most of the cities that have been studied, have the predicted effect.[3]

How can we explain developments that seem to contradict the predictions of Thomas Jefferson and, even more, of common sense? One possibility is that there were created, during the latter part of the century, urban police forces to replace the older system of volunteer night watchmen. But these fledgling departments would have to have been astonishingly—and implausibly—effective to have stopped the antebellum crime wave dead in its tracks. There is no evidence they were so effective. And the resurgence of crime in the twentieth century, especially in the 1960s, occurred not only after the police had been institutionalized, but after they had gone through, in the mid-twentieth century, a determined effort to "professionalize" and upgrade them. No one can explain how a rudi-

mentary police system could have been so powerful, and a modernized one so impotent.

A second possibility was the changing age structure of the population. From 1800 to 1900 there was a sharp and more or less continuous drop in the birth rate which led to a slow but steady increase in the average age of the population. In Rochester in 1830, three-fourths of the population of the city was under the age of thirty, and the majority of these were males who had left the farms in search of work and freedom in the rapidly growing cities. Over one quarter of the residents of those cities with populations of 100,000 or more in 1840 were in the crime-prone age group of 25 to 29. As the birth rate fell, the proportion of young persons in the cities fell, and this may have helped curb the rise in crime. But the decline in the birth rate was not the only force at work; counteracting it to some degree was the rapid influx of new immigrants, many of them young men. And though the median age of the population almost doubled between 1800 and 1950, this was not enough to explain, by itself, the decline in the crime rates. Roger Lane and Theodore Ferdinand estimate that the murder rate in Philadelphia and Boston fell, between the middle and the end of the nineteenth century, by 36 and 55 percent, respectively. But during the same period, the proportion of persons aged 20 to 29 living in large cities such as these fell by only 15 percent.[4]

A third possibility is that industrialization, far from loosening social ties, actually strengthened them by replacing the lost discipline of the small community with the new discipline of the factory and the public school. Work became regular and not, as in the earlier agricultural and handicraft society, episodic. Economic efficiency required punctuality, industriousness, and habits of cooperative effort; failure to abide by this new regimen condemned the urban worker to destitution or to an inhospitable almshouse. The public school helped inculcate those values, and, in combination with the factory, restored a degree of order that families, churches, and neighborhoods could no longer sustain. The Jacksonian cities of the 1830s and 1840s had been riotous not simply because they brought young men together in large concentrations, but because they brought them together with nothing to do (except to join in the rowdy highjinks of the volunteer fire companies). This account may have some merit, but it does not explain the mechanism by which the value of order was instilled (after all, there was plenty of opportunity for brawling and thievery after the factories closed and on Sundays) and it leaves us wondering why the discipline

of the factory and the school should have been so effective in the 1870s and 1880s, and so ineffective in the 1960s and 1970s.

The second half of the nineteenth century was by no means a tranquil period. There were riots, though these were now more likely to have economic or industrial, rather than ethnic, origins. Crime would go up and down from year to year. There were small crime waves in many of the newer, frontier towns, and vigilante committees would spring up to deal with them. But despite industrialization, despite the widening of class differences, despite immigration, despite the growth of a propertyless urban proletariat, despite the rising congestion of the inner city, we find nothing to resemble the exceptionally high and sustained levels of crime characteristic of the emerging cities of the 1830s and 1840s, or of the mature and declining cities of the 1960s and 1970s.

Ted Robert Gurr, following the lead of the German sociologist Norbert Elias, suggests that more important than the modest decline in the proportion of young persons in the population was the growth of the "civilizing process"—that is, in the extent to which people turned away from violence and internalized or displaced aggressive impulses. The process began with the upper classes and was given institutional expression in the drive to eliminate corporal and capital punishment, the abolition of slavery, the elaboration in international law of rules for the conduct of warfare, the rise of the women's movement, the spread of the public school, the growing influence of temperance, and the development of urban police forces whose function was as much to enforce morality (especially laws against drinking) as it was to apprehend criminals.

Eric Monkkonen has advanced a parallel argument. From about 1840 into the early decades of the twentieth century, a set of essentially Victorian values took hold simultaneously with the advent of industrialization. Bourgeois—that is, middle-class—ideology acquired a remarkable degree of hegemony in England and America. Though much of it can be criticized as hypocritical—especially those parts that maintained familial virtue and individual improvement while tolerating a libertine subculture and a growing class cleavage—we must remember, as La Rochefoucauld said, that hypocrisy is the homage that vice pays to virtue. Popular literature emphasized the values of thrift, order, industriousness, sobriety, the mastery of passions, and a deep regard for the future. Conduct often departed from these standards, but for the most part there was agreement that such conduct *was* a departure to be deplored and, if possible, corrected.

Investing in character

Persons inclined to think of history as the product of economic forces, military battles, or political choices may balk at accepting such vague notions as "the civilizing process" or the "rise of Victorian morality" as explanations. I confess that substantiating the existence, to say nothing of the power, of such ideas is difficult. Given the present state of historical scholarship, the evidence of the effect of the new moral code is largely circumstantial. But it is not trivial.

In the early decades of the nineteenth century, middle-class Americans were appalled at the disorder and dissolution of their cities. There arose in response to this concern a varied but widespread effort at social reform. Though its various manifestations had different particular goals, these had at least one thing in common: a desire to alter and strengthen human character. For centuries, young men had been leaving the farms in order to find new opportunities in the villages and towns, but the migration of the 1820s and 1830s had a new and more threatening dimension. Families with many children had often expected—even required—that several of their boys and girls go to work for others. In part this had been accomplished by assigning (or even renting) children out to work and live with another family, perhaps a large landholder but just as often a village artisan or tradesman. Childhood was very short—far shorter than it is today, when we like to think of the family as "weakened" or "nuclear"—and there was no such thing as adolescence, a period of storm and stress experienced by teenage boys and girls living at home and discovering themselves. Those who lived at home, worked; those who did not live at home, lived at somebody else's home and worked there. The growth of the cities in early-nineteenth century America was so rapid, however, and the nature of the productive processes was changing so rapidly, that the young men (and later, the young women) who now left for the city no longer lived in the home of the craftsman or manufacturer for whom they worked, but lived instead in boarding houses, with other young men. Adult supervision of young men was not weakened because the family was weakened, but because the necessary *alternative* to the family was no longer under adult control.

Young male workers in the cities suddenly acquired an autonomous social life. Americans had always drunk intoxicating beverages in prodigious amounts, but in the past it had been done by young men in the homes of their parents or their masters. Now it was done in the company of other young men, in boarding houses and saloons.

If order was to be restored to the cities, some way would have to be found, other than the family, to instill "character."

Different people meant different things by "character"—for some, it meant a religious life; for others, merely moderation in drink and circumspection in sex; for still others, orderly habits and a suitable occupation diligently pursued. Joseph F. Kett, in his masterful study of the rise of the concept of adolescence in America, finds that all the various uplift and reform movements had in common a desire to instill "decision of character," by which was meant a "strenuous will" aimed at "inner control" and "self-restraint." The ills that middle-class adults saw all about them arose from a lack of a "self-activating, self-regulating, all-purpose inner control." If young men no longer lived and worked under direct and round-the-clock adult supervision, there was no hope of external control regulating behavior, and though urban police forces were being invented at about this time, few persons had much hope that the police could do more than control the riots and cart away the drunks, and many persons remained fearful of giving even these powers to uniformed officers of the state.

There were many routes to self-control—religious revivals, temperance pledges, Sunday school classes, and finding foster families. Americans tried them all, with a vengeance. The first few decades of the nineteenth century witnessed a series of religious revivals that have become known as the Second Great Awakening. Most of the converts in this period were young people, in their teens or early twenties, and many revival preachers aimed especially at this group, particularly in the cities. When Charles G. Finney came to Rochester in 1830, his initial appeal was to the proprietors and artisans—in short, to the middle-class—but soon he organized, with the aid of the middle-class churches, missions aimed at the workers. According to Paul Johnson, his success was due to a combination of voluntary conversion and social compulsion: Many employers began to insist on membership in a church as a prerequisite for employment and advancement.

One can easily exaggerate the extent to which the Awakening aimed at, or had the effect of, social control. It was, after all, a religious movement centering around intense debates about God and the Bible. In general, religious conservatives sought to bring man into a right relationship with God while liberals urged the need to bring man into a right relationship with his fellow man. For the latter, religious conviction had important implications for slavery (revival leaders were also abolitionists). But both sides

agreed on the need to find principles of proper conduct that could not be inferred merely from individual wants or rational self-interest.

The reach of the religious movements was impressive, especially as they brought people into voluntary associations. In 1820, fewer than 5 percent of the adult males in New York City were on the lay boards of the various Protestant organizations located there; by 1860, that fraction had increased to about 20 percent. In the latter year, something approaching *half* of all adult Protestant males of the city were members of at least one church-related voluntary association.

It was not originally part of every revival movement to set contemporary human affairs aright or to stimulate the formation of reform associations, but converts who had "got right with God" felt an almost uncontrollable urge to help others get right with Him. One of the ways in which this might be accomplished was through the Sunday school movement. Though Sunday school often began under denominational control and with religious objectives, it soon took on a life of its own and acquired secular objectives as well. Sunday school in these days was not merely a brief lesson from the Bible, but a day-long exercise in "decorum and restraint" that emphasized, through the minute application of rules and procedures, the duties and obligations of its young members. The enrollment in this effort, both here and in England, was very large. In 1825, the American Sunday School Union claimed an enrollment of one-third of all the children in Philadelphia between the ages of six and fifteen; in 1829, over 40 percent of the children ages four to fourteen were said to attend Sunday schools in New York City. In England Sunday school enrollment tripled between 1821 and 1851, and accounted for over half of all the children between the ages of five and fifteen and three-fourths of the working-class children of those ages.

Sunday schools were not a device by which the middle-class imposed its views on a rebellious working class. As Thomas W. Laqueur has shown for England, and as was apparently true for the United States as well, the Sunday school movement was staffed and financed by working-class people who sought both to increase literacy and inculcate the values of respectable working-class society. Whatever economic cleavages separated the classes, the great social cleavage was not one that divided the classes but one that separated the "rough and the respectable." What was being inculcated in these schools were as much personal habits as religious

or moral values: Every detail of the regimen assigned the highest importance to order, punctuality, drill, and regulation. By this means, Laqueur writes, "the bourgeois world view triumphed in the nineteenth century largely through consent, not through force." The middle-class established a "moral hegemony."

But Sunday schools did not reach the young men of the factories and shops, nor did they reach the children abandoned or neglected by their parents. For the former, the YMCA movement provided one solution: facilities and courses of instruction in the city intended to serve as a functional alternative to family and village life. Brought to the United States from England in 1851, within a decade there were over two hundred YMCAs with more than 25 thousand members. YMCAs, however, offered refuge for those least in need of it, as the young men who joined were already a part of the respectable working class. For the abandoned children, Charles Loring Brace in 1853 started the Children's Aid Society that stood in opposition to orphanages and asylums, seeking instead to relocate street urchins in farm homes in the West. Unfortunately, rural family life was more attractive to the leaders of the Society than to the children it sought to help, and it eventually proved impossible to relocate a significant number of homeless young people.

Lips that touch liquor . . .

Revivals, Sunday schools, moral uplift, YMCAs, and sheltering homeless children represented an enormous investment of social capital, but the value of that investment in maintaining public order is impossible to measure and in some instances was directed at persons who were not the immediate cause of crime and disorder. The temperance movement, on the other hand, was directed precisely at behavior that many persons believed was the cause of the urban distemper, and the effect of that movement can be estimated by noting changes in the alcohol consumption of the nation.

Today we often think of "temperance" as an effort by Puritanical farm women to obtain passage of the "disastrous" Eighteenth Amendment and the subsequent Volstead Act. In fact, it was much more than this—a century-long, broadly based social movement that may have been the single most effective effort in American history to change human behavior by plan.

In the decades leading up to the tumultuous 1830s, the consumption of alcoholic beverages was rising sharply. Colonial Americans had always drunk a lot for a variety of reasons—the shortage of

potable water, the unavailability of coffee and the expense of tea, and the belief that alcoholic beverages were good for you. Moreover, the supply of alcohol was going up and its price was going down as the perfection of new distillation methods and the abundant grain harvests of western Pennsylvania and elsewhere made it both easy and profitable to produce distilled spirits. Not only easy, but in many cases necessary: The poor quality and high cost of overland transportation often made it unprofitable to move grain to markets in any form other than alcohol. Norman H. Clark estimates that the annual per capita consumption of alcohol in the United States rose from about 2.5 gallons in 1790 to 7 gallons in 1810 and to 10 gallons in 1829. Respectable Americans thought the effect of this increase could be seen in the rowdy, brawling conditions of city streets, the spread of saloons, and the collapse of familial virtues. (Paul E. Johnson calculates that there was one establishment selling liquor for every twenty-eight adult males in Rochester in 1829.)

"Temperance" meant different things to different people. To Thomas Jefferson it meant drinking beer and wine rather than distilled spirits. To others it meant closing down saloons but allowing home consumption of gin, rum, and whiskey to continue. To still others it meant total abstinence. Some temperance advocates relied on moral suasion, others embraced legal compulsion. But taking all its forms together, the temperance movement was extraordinarily broad, combining revival preachers and educated philosophers, urban as well as rural leaders, the intelligentsia as well as the common folk. By the thousands, men were induced to sign various temperance pledges. Special programs, such as the Cold Water Army and the Cadets of Temperance, were aimed at youth, and they grew rapidly. In 1851, Maine became the first state to prohibit the manufacture and sale of intoxicating beverages; within four years, thirteen states had such laws, including New York, Massachusetts, and Connecticut. In some places the ban was statewide, in others it gave localities an option. It was the effort to enforce these laws that gave rise to intense struggles over the control and enlargement of municipal police departments (and led, in the case of Massachusetts, to the creation of the first state police).

The effect of all this activity was dramatic. William J. Rorabaugh estimates that, beginning around 1830, alcohol consumption began to decline steeply—between 1830 and 1850, per-capita consumption (for persons aged fifteen years and over) fell from 7.1 gallons per year to 1.8 gallons per year. The Civil War caused a setback in the

temperance movement, and the growth of beer consumption (owing much to European immigration, the perfection of large-scale production methods, and improved railroad transportation) created further difficulties. But despite all this, the per-capita consumption of alcohol never again reached the levels attained in 1830.

We cannot be certain that reduced alcohol consumption contributed to the reduction in crime, but most people at the time believed it did. Reductions in drunkenness probably reduced some crimes but not others. Temperance may have had its greatest effect, not by directly reducing crime (it is far from clear that people commit serious crimes because they are drunk), but by restoring a degree of order to urban neighborhoods, thereby permitting the normal and informal processes of social control to manage behavior. Even these results were unevenly distributed, with some neighborhoods helped and others, particularly in the teeming Tenderloin districts of the cities, left largely unaffected.

The temperance movement was the most dramatic example of the effort of nineteenth-century Americans to invest in the control of self-indulgent impulses, but it was only a part of a much wider effort to protect the character-building role of families, or to supply substitutes for familial influences at a time of growing personal liberty and rapid social change. These efforts were aimed, as Clark has phrased it, at producing in Americans a "bourgeois interior," whatever their economic exterior. That inner life was organized around the need for self-control, delaying personal gratification, and managing social relations on the basis of mutual restraint.

The triumph of self-expression

The century in which Americans invested so heavily in creating and sustaining a moral order did not end in 1920, nor has it ended today; "uplift" organizations and movements continue. But beginning in the 1920s, or at least becoming visible then, we see the educated classes in America repudiating moral uplift as it had been practiced for the preceding century.

Religious revivals, once led by liberal college students such as Theodore Weld, were now scorned by college-educated persons as being the province of narrow-minded opportunists such as Billy Sunday and Sinclair Lewis's character, Elmer Gantry. Revivalism became synonymous with fundamentalist Protestantism, and that was discredited, in intellectual minds, by the defense of the doctrine of creationism by William Jennings Bryan at the Scopes

trial. Secular public schools, so it was thought, had now made day-long Sunday schools unnecessary. The YMCA movement continued to grow, but now largely because it offered gymnasiums and low-cost rooms rather than because it supplied spiritual and moral uplift.

And temperance had been destroyed by Prohibition. Though national prohibition was not a peculiarly American movement (national laws restricting the use of alcohol were passed at about the same time in Finland, Norway, and Sweden) and temperance had never been simply a rural effort, prohibition came to be seen by intellectuals as an expression of the narrow-mindedness of American farmers and villagers. Though there is not much evidence that crime (except for a few well-publicized gangland killings) went up during Prohibition, many people came to believe that Prohibition had caused a crime wave. Though Prohibition succeeded in reducing alcohol consumption in the United States by between one-third and one-half, in the eyes of its critics Prohibition was seen as a failure. Though the era of "Flaming Youth" and looser moral standards occurred at the same time in European nations that did not have Prohibition, Prohibition was blamed for having created a youth problem in this country (somewhat hypocritically, since the critics of Prohibiton were also among those most inclined to celebrate the youth movement).

Where a century or even a half century earlier, intellectuals and urban reformers denounced the saloon, their heirs in the 1920s and 1930s glamorized the "cocktail lounge" and took drinking in public places to be a mark of sophistication. Where a century earlier, intellectuals feared the city as a threat to traditional values, now some were beginning to praise it as the indispensable arena of personal liberty. Whereas in the nineteenth century parents worried when young persons went off to live in boarding houses made up entirely of other young people, by the twentieth century the residential college was regarded as the most desirable place to which young persons could aspire. Between 1790 and 1840, children became adults as soon as they began to work, which happened at a very early age; by the period 1890-1920, "adolescence" had been discovered, a period of stress and opportunity that required prolonged education and special nurture. Whereas in the nineteenth century scarcely anyone denied that the object of character formation was to restrain self-indulgent impulses, by the 1920s popular versions of the psychological theories of Sigmund Freud were widely circulated and misinterpreted as meaning that repressing one's

instincts was bad, not good. The children's stories of the first half of the nineteenth century portrayed a world in which there was no conflict between moral correctness and worldly success; a "Christian citizen" would prosper in this world as in the next. In the second half of the nineteenth century that literature had become less moralistic, but still likely to emphasize success. By the 1920s, it had begun to emphasize happiness apart from success.

The almost unbounded self-confidence in which nineteenth-century Americans viewed the value of their culture and its central precepts was replaced, in the 1920s with the view that this culture was wrong, or at the very least no better than several competing cultural forms. Franz Boas and his students at Columbia University interpreted their anthropological studies in ways that were critical of middle-class Western civilization. Margaret Mead became a best-selling anthropologist by claiming that the greater happiness of Samoans arose from their being granted greater sexual freedom and from being raised in more nurturant, less repressive familes.

One might expect that all these changes in elite views would have an effect on techniques of child-rearing, and that these in turn would alter the behavior of the young by making them more daring and more impatient of restraints. Unfortunately, it is quite difficult to say much about the changes in child-rearing that occurred, and it is almost impossible to say anything about how these changes might have affected the behavior of the young. But we can say something about how elites *advised* mothers to rear their children and, since this advice was typically distributed through national magazines that competed for the woman's market, presumably it was designed with an eye to what would prove popular. In the mid-nineteenth century, child-rearing advice emphasized the supreme importance of inculcating moral and religious principles, on the assumption that the child would soon be free of direct adult supervision. Though this moral training was no longer as rigorously Calvinist as it once had been, and though corporal punishment was increasingly subject to criticism, the object of child-rearing was unchanged—to make the child "at an early age a self-maintaining moral being" so as to guard the child from "evil within and without."

This view persisted into the early part of the twentieth century, but by the 1920s it was beginning to be replaced by a different view. Whereas the child was once thought to be endowed by nature with dangerous impulses that must be curbed, he was now seen as equipped with harmless instincts that ought to be de-

veloped. Previously it was thought a mistake to play with the child too much; now play was beginning to be urged upon mothers. Where once the stress had been on moral development and the decisive importance of the mother's character, now the literature was more likely to emphasize the enjoyable aspects of child-rearing in which fun and play were important. In 1890, 1900, and 1910, one-third of the child-rearing topics discussed in a sample of articles from the *Ladies Home Journal*, *Woman's Home Companion*, and *Good Housekeeping* were about character development; in 1920, only 3 percent were. By 1930 articles on moral character had by and large been replaced with ones on "personality development." And whereas the magazines in 1890 had said that the best means to proper character development lay in providing a good home influence, by 1920 the route to acquiring a well-adjusted personality was thought to involve proper feeding.

Except for the well-documented exuberance of the 1920s, it is not clear that this shift in the dominant ethos of the social and intellectual elites had immediate and important practical consequences, perhaps because it only represented a shift in elite, rather than mass, attitudes. Perhaps the shift away from impulse control to self-expression was also cut short by the grim realities of the Great Depression.

Though we had in the early 1930s no national crime statistics, studies of particular communities suggest that the severe economic dislocations of the Great Depression produced no significant increase in crime and may have produced a decrease. Glen H. Elder was later to analyze data gathered from persons born in Oakland, California, in the early 1920s and coming of age during the Depression. Their family incomes fell on the average by 40 percent and as a result children were pushed out at an early age into the labor market. But in spite of this—or perhaps because of it—the children displayed little sign of rebellion or deviance. Boys who were liberated from parental control were placed almost immediately under other forms of adult control in the workplace. The result, according to Elder, was to accelerate the development among these persons of a sense of adult responsibility and a set of adult (and largely traditional) attitudes.[8]

Accompanying such changes in attitude and behavior as may have been induced by a depression and a world war, was a declining birth rate in the first decades of the twentieth century. The proportion of males in the crime-prone age group of fifteen-to-nineteen was 10 percent in 1890 but only 7 percent by 1950, a drop of about

one-third. By the 1960s, as everyone knows, the sharply increased birth rates of the 1950s had produced a baby boom that came of age. But as everyone does not know, that age shift could not by itself have produced the crime increases of the 1960s and 1970s. One additional factor, I suggest, was the continued spread of the self-expression ethic that had begun in the 1920s but had been temporarily blunted by national crises, and that for a time lacked a large youth market to which it could appeal.

Changing values, rising crime

What is distinctive about the contemporary period, in my view, is the collapse of the Victorian popular culture and of the moral legitimacy of the institutions embodying it. The psychology of radical individualism and the philosophy of individual rights has triumphed. I will not try to characterize in detail the contemporary ethos; that has been done by many others and could as well be done by the reader of this essay. I think its dominant element is individual self-expression and, closely linked with that, immediate gratification. Such an ethos need not lead to selfish behavior (the so-called "Me Decade"), for self-expression can lead to creativity and innovation that entail substantial personal sacrifice as well. But whether self-regarding or other-regarding, contemporary behavior recognizes no limits (at least for most of us) save that it "hurt no one else." This is especially true of the intelligentsia; it is less true of ordinary folk. But if my general argument is correct, it is precisely what the intelligentsia, the upper-middle-class, the educated persons, the literati, think that provides the central cues for popular culture, especially now that such persons are so large a proportion of the total population.

The contemporary public philosophy emphasizes rights, not duties. A commitment to rights implies a preference for spontaneity over loyalty, conscience over honor, tolerance over conformity, self-expression over self-restraint. Whereas nineteenth-century elites sought to extend the range of criminal sanctions over behavior—notably with respect to drink and sex—twentieth-century elites seek to decriminalize such behavior. Whereas the nineteenth-century police were expected (and were in large measure created) to enforce public order, the twentieth-century police are expected to arrest criminals. As I have argued elsewhere, the criminal law has acquired in practice if not in theory an individualist focus—the law defines *my* rights, punishes *his* behavior, and is applied by *that*

officer because of *this* harm. This sits well with our philosophical inclinations, and makes easier the task of detecting violations of our rights, but it obscures somewhat the earlier view that the criminal law was designed in part to shape conduct and sustain communities.

Obviously, the communal element of our public philosophy has not disappeared; a concern for character, propriety, and duty persists among a majority of the citizenry, and accordingly they lead lives not radically different in substance (though often quite different in style) from what they might have led a century ago. The Protestant ethic, if that is what you wish to call it, is alive and well, though not in public view. Among elites, however, the interest in a communal as opposed to an individualistic public philosophy is now regarded as characteristic of something called the *counter*-culture, not of the culture itself; and these communal values are often based on a desire, not to perfect character by moral development, but to repudiate the "philistine" features of the ordinary culture with its commonplace concerns for conventional morality and personal propriety.

The ethos of self-expression and personal liberty has largely been developed and given its persuasive power by young persons. Whether there was ever in the nineteenth century such a thing as a "youth culture," I do not know, but I doubt it. The abnormally large proportion of young persons in the population during the 1840s certainly contributed to public disorder, but I am aware of no evidence that any important institutions deferred to youthful preferences or that older persons sought to ape them. "Bohemianism" and a "Bohemian" quarter have been a feature of our larger cities since at least 1850, but only in the last few decades have such areas been populated by liberated young people rather than by exotic adults.

The first stirrings of a youth culture occurred in the 1920s when, as Paula Fass observed, "modern youth" was created by the disjuncture between the familial world and the social world, and the acceptance, at least among the upper-middle class, of control over the social world being exercised by adolescent peer groups. Parents no doubt worried about the amount of smoking, drinking, and "petting" among their offspring, but they did not challenge the fundamental shift—that from courtship to dating as the appropriate way to organize contact between young men and young women. Courtship had been a stylized system, under close adult control, for finding marriage partners; dating, by contrast, was a method

for having fun as well as finding partners, and it was carried out under peer-group control. As with most changes in values, the first tremors had only limited effects. A psychiatrist such as Karl De Schweinitiz could proclaim, to applause, that the goal of family life was now "the liberation of the human spirit," but in practice the new forms of self-expression were still placed in service of traditional goals—careers, prosperity, and family formation. As Fass remarked, the college students of the 1920s—the first large youth-culture market—were "optimistic about business and naughty about sex," practicing self-expression less for its own sake than as a means to popularity and success.

Since the 1960s, an increase in the proportion of young persons in the population has been met by the celebration of the youth culture in the marketplace, in the churches, and among adults. (One measure of the change: A century, or even a half century ago, young boys sought, as soon as they were able, to dress like grown men; today, grown men try to dress like young boys.) This institutionalization in all parts of society of the natural desire of youth for greater freedom may well have given legitimacy to all forms of self-expression—including, alas, those forms that involve crime and violence—and thus helped magnify and sustain what would have been a crime increase in any event.

This transformation of values is not the whole story. A full account of the current crime wave would have to consider the abandonment of the inner city by the middle class, and thus the removal from those places of the persons most likely to sustain a social infrastructure—churches, neighborhood groups, social networks, and small businesses—with a stake in impulse control. Moreover, the rise in the ethic of self-expression has occurred at a time when employment opportunities have moved out of the cities faster than have city people, diminishing opportunities for the young persons left behind. Racial antagonisms have left their mark on whites and blacks alike; though most violent crime, and much property crime is *intra*-racial, the corrosive effects of real and imagined racism undoubtedly play a part in weakening a sense of obligation to the social order. The increased availability of handguns and the sharpening of consumer instincts through the mass media contribute to at least the pattern and perhaps the level of criminality.

I give only subordinate attention to these factors for two reasons. First, many of them are unique to the United States, or nearly so, especially the pattern of urban out-migration, the availability of handguns, and the existence of racial cleavages. Yet the increase

in crime during the last two or three decades, coming after a half-century of decline, is not a peculiarly American phenomenon, but a feature of virtually every industrialized society. A true understanding of crime depends on what these nations have in common, not what differentiates them. Second, most of the factors related to crime that are common to all nations—the consumer society, the advent of television—are not factors operating independently of the ethos of self-expression, but are reflections of it.

The philosophic roots of crime control

The great irony is that the ethos of individual self-expression not only helps explain the contemporary rise in crime, it also governs our policies toward crime. When crime and disorder first became a problem in the new republic, the solution embraced by almost all people, including the most progressive minds, was to search for ways to reduce misconduct by reasserting, or finding substitutes for, the constraints of family and village. Though some attention was paid to our rudimentary police forces and to the emergent penal system, the great social investment was in devices—religious revivals, moral uplift, temperance movements, advice to mothers—designed to shape character and induce self-control. And even the penitentiary system was initially conceived in the spirit of communal reform as a mechanism for re-educating the offender by exposing him to solitary reflection and spiritual guidance.

Our policy toward crime, then as now, was shaped in large measure by our understanding of human nature. At least two theories were in competition. One, the individualistic, found its clearest expression in the writings of Thomas Hobbes; the other, the communal, had an older provenance but was given its most forceful modern expression by Jean-Jacques Rousseau. Each is best known for his political philosophy but each based that philosophy on a theory of human nature.

Hobbes gives us a picture of man as a creature of his senses, responding to stimuli in his environment. He does not respond randomly, however, for there are active forces in him by which he evaluates these stimuli. These forces are human passions, three of which are of special importance: a desire for wealth, a desire for glory, and a fear of violent death. Because of these passions, men in the state of nature are in conflict with one another, the appetite for gain leading to theft, that for glory leading to exercising power, and that for safety leading to violence. Unchecked, these

passions will bring about a perpetual war of all against all, in which the life of man will be "solitary, poor, nasty, brutish, and short." To avoid a violent death, men will combine to create a superior force, a Leviathan, which will protect each man from the other. With his safety guaranteed by government, man will be able to use his calculating nature to his advantage, and thereby help bring into being an orderly commercial society.

To Rousseau, man is not naturally an amoral calculator, but naturally good (or, at worst, "pre-moral"). He is not driven by any fixed passions; though he loves himself, it is not a selfish love. Man does not naturally fear death, nor love glory, nor seek wealth; all these things he is taught by society. Alongside a reasonable and moderate self-love, man is moved by the sentiment of pity and thus finds friendship rewarding and human compassion natural. Rousseau loathes the bourgeois and commercial society that Hobbes anticipates, for it corrupts the soul. To create men who are not corrupted, and societies that are not corrupting, requires great exertions. One such exertion is to acquire a proper education, one, as Rousseau describes it in *Emile*, emphasizing self-discovery and the cultivation of a decent self-love and sentiments of pity. Corrrespondingly, there is a proper organization of society, a matter on which Rousseau was not entirely clear but that seemed to involve a rough equality of wealth, a rigorous rule of law, and the inculcation of a sense of community that would shape and sustain human character.

It is apparent what kind of psychology underlies the moral and political elements of an individualistic and a communal view of man. The consequences of supposing that man is either a rational calculator or a creature of sentiments, that human nature is either fixed or pliable, are both great and obvious. We can trace from Hobbes (or, in less stark form, from Locke) a theory of government that begins with a compact among rationally self-interested persons worried about their lives and property, but determined to use the state simply as a mechanism to make possible life, liberty, and the possession of property. The government, in short, will allow and encourage the pursuit of private ends by individuals. When an individual breaks the law, he causes practical difficulties for others by reducing their security and upsetting their calculations. But since criminal citizens are fundamentally no different from law-abiding ones—save, perhaps, in their willingness to run risks, or the impatience with which they pursue practical advantages—they can be dealt with by procedures not fundamentally different

from the arrangements that animate and justify the regime as a whole.

Thus, beginning with Hobbes, we find a utilitarian criminology first elaborated by Bentham and Beccaria (now called, for unimportant reasons, "classical" criminology). This criminology is based on adjusting the costs and benefits of alternative courses of action so as to maximize the probability that the law-abiding, and not the law-violating, course will be followed. The Benthamite calculus, marvelously elaborated, has been refined by the tools of modern mathematics into the calculus of deterrence, whereby we estimate the amount of crime that can be prevented by increasing the swiftness, the certainty, or the severity of the penalties for crime, or by increasing the availability and value of alternatives to crime (such as jobs or leisure). An especially skilled practitioner of this line of analysis once calculated that for every murderer executed, eight murders are prevented.

We can trace from Rousseau (and, of course, from even earlier writers) a theory that government is not a device to facilitate the pursuit by individuals of their private ends, but a device to shape those ends and the character of the individuals seeking them. A good society is one that forms good character in its citizens. This, obviously, is an ancient notion of government, one not necessarily linked to the rather odd mechanism of the "general will" or to the self-governing commune proposed by Rousseau. I take him as my example because he was among the first to give a modern tone to the character-forming view of government—that is, one that tries to link character formation with egalitarianism and democracy.

Rousseau's argument that modern society tends to corrupt naturally good men leads to the view that crime is not the result of choice and calculation, but rather the consequence of some defect in social arrangements. Crime, in short, is "caused" by forces over which the individual has little control. Modern criminologists refer to this as the "positivist" tradition. It can be found, implicitly or explicitly, in the writings of proponents of various structural, cultural, or psychological strategies for preventing crime and rehabilitating criminals. The precise shape of the strategy varies. Early proponents of curing the causes of crime stressed religious and moral instruction; contemporary criminologists are now entirely secular, so the emphasis has shifted to such institutions as schools, halfway houses, or neighborhoods. And do not think that positivists are always tender-minded: One of the first monuments to the rehabilitative urge was the American penitentiary.

The American hybrid

The two opposing theories of human nature that underlie American attitudes toward crime also underlie our political arrangements. Our Constitution was written with an eye to the view of man found in Locke and Hobbes. We are all familiar with those phrases of Publius (chiefly, of James Madison) found in the *Federalist* that explained how our political arrangements were intended to use the calculating and self-seeking nature of man to protect liberty. "Ambition must be made to counteract ambition," Madison wrote, because men are not angels. Factions are inevitable, because the "latent causes of faction are . . . sown in the nature of man." To control the effects of faction and of human ambition, the Founders not only separated the powers of government but gave "to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others." It was, Madison said, a "policy of supplying, by opposite and rival interests, the defect [i.e., the lack] of better motives." Madison's view of human nature was not wholly Hobbesian; it was, as the late Martin Diamond put it, not a pessimistic view so much as a sober one. "As there is a certain degree of depravity in mankind which requires a certain degree of circumspection and distrust," Madison wrote, "so there are other qualities in human nature which justify a certain portion of esteem and confidence." But—and this is the crucial point—it was not to be the business of the federal government to create or sustain these "other qualities"; rather, the new government "presupposes the existence" of them.

George Will, in his recent Godkin Lectures at Harvard, has argued that, from a conservative point of view, this presupposition that man is good enough to make free government work is an error. The government, in his phrase, is "ill-founded." No free government can exist unless it exercises some responsibility for the cultivation of virtue among its citizens. If it merely presupposes the existence of these virtues and confines itself to managing arrangements designed to harness self-interest to serve public purposes, it will in time discover that the government, and the society, are no longer capable of serving anything *but* self-interest. Will's view was anticipated by critics of Madison at the time.

The Antifederalists, as we know, chiefly opposed the new Constitution because it claimed to do what they believed was impossible —reconcile the national government of a large republic with the protection of liberty. It was in the small community that men could truly be free. The late Herbert Storing summarized the Anti-

federalist commitment to the small republic as involving three arguments: Only a small republic could enjoy voluntary obedience to the laws, secure the genuine accountability of the government to the people, and "form the kind of citizens who will maintain republican government." The critics of the new Constitution were not in any obvious sense the descendants of either Jonathan Edwards or Rousseau; like the authors of the Constitution, they chiefly valued liberty. The central difference between the two groups appears to have been a dispute over the means to achieve this goal. The Antifederalists believed that liberty would only be secure if society deliberately promoted civic virtue and the subordination of individual interests to the commonwealth, and this promotion could only occur safely in small republics.

A small republic—or a small community—could only promote civic virtue if its population was relatively homogenous, culturally, ethnically, and economically. The Swiss cantons were an oft-cited model. The new national government—with its capital city, its standing army, its openness to intercourse with foreign nations and foreign habits, and its inclination to aristocratic manners and European luxury—would be the antithesis of civic virtue. In particular, the Antifederalists noted the non-religious, perhaps even anti-religious, character of the new Constitution. They were quite aware that many of the emerging national leaders (Madison, Jefferson, Franklin) were children of the Enlightenment who believed, at best, in a vague deism that looked for guidance to the orderly patterns of nature, rather than to the strict commands of God. Madison and Jefferson went much further than almost any other national figures in attempting to separate church and state. In the former's *Memorial and Remonstrance* and the latter's *Notes on the State of Virginia*, they argued not only against coercion of religious beliefs, but also against any state support of churches—against, that it, making religion an "engine of Civil policy." Though the Supreme Court has largely adopted the Madisonian view of church-state relations, that is probably not what most persons at the time believed (and certainly not what the authors of the First Amendment thought they were enacting). The Antifederalists, to be sure, favored freedom of conscience, but expected that government would foster religion, support it, and make passing a religious test a qualification for office. Religion *ought* to be an "engine of Civil policy," though in a nation as diverse as America it could only be so at the local level.

My argument thus far, stripped of important qualifications, is

that we grafted a Lockean (and in part, Hobbesian) national government onto a communal life that was explained and defended in the language of Rousseau, and we did so over the objections of many who thought the engrafted national limb would destroy the sturdy communal trunk. The graft was successful in large measure because the defenders of small communal republics could think of no practical alternative (given the need for national defense and orderly commerce), and because the defenders of the Constitution assumed that the center of our collective lives would remain in communities which would nurture the civic virtues on which the national order depended.

Their assumption was not an unreasonable one. The national government, after all, had limited powers and modest responsibilities; the governance of the nation would remain chiefly the duty of towns, cities, and states. If governance required the formation of character by education, religion, or the force of communal opinion, then all this would be done (to the extent it could be done) by the many small republics of which the new nation would be composed.

The events of the Jacksonian era were to reveal the error of that assumption. The small republics became teeming cities in which young men freed of adult supervision became rowdy libertines. Andrew Jackson himself was worried about the moral health of the nation over which he was elected to preside. As Marvin Meyers has argued, his appeal to "the people" was not merely an appeal against the "money power" of the banks and corporations; it was more profoundly an appeal for the restoration of civic virtue that he thought was exemplified in the industrious and economical lives of planters, farmers, and laborers. That virtue consisted of self-reliance and simplicity. The country, he felt, was in a moral crisis.

The response to that crisis, as we have seen, was also cast in moral and communal terms. If the cities and the factories were a new challenge, redoubled efforts would be made to meet that challenge. For the better part of a century, the struggle was waged. It had its ups and downs. Wars and panics interrupted and even, for a while, reversed it; it was aided to a degree by a slow rise in the average age of the population. But not until this century was the effort *formally abandoned*.

A polity without community?

Today, and for the last few decades, enlightened people scoff

at moral uplift, reject temperance as an effort of bluenoses, and are skeptical (with good reason) about the prospects of using prisons (or much of anything else) for rehabilitating offenders. Having replaced the Victorian commitment to controlling impulses with the modern commitment to individual choice, both liberal and conservative students of crime have turned their attention to finding better ways of manipulating the incentives facing individuals who might choose crime. The chief difference of opinion among these thinkers is whether it is better to manipulate the costs of crime (by stressing the deterrent or incapacitative effects of criminal sanctions) or the benefits of non-crime (by stressing the need for better employment and income-maintenance opportunities).

Advocates of manipulating costs are usually regarded as "tough-minded" while advocates of manipulating benefits are often thought to be "tender-minded"; in fact, there is no important philosophical difference between them (though they imagine there is). Both assume that the would-be offender is reasonably rational and generally self-interested, and that he chooses between crime and lawfulness on the basis of the opportunities each offers to satisfy his needs. Indeed, if the model of human nature each school embraces is correct, then it follows that a sound public policy would try to alter *both* costs and benefits. Of course, the tough-minded may believe that it is the attractiveness of crime that leads people to prefer it even to available jobs, whereas the tender-minded may think that it is the unavailability of jobs that "forces" people into crime regardless of its costs. These differences have important political implications but only modest scientific or philosophical ones. The tough-minded stress getting tough and the tender-minded stress doing good, but all they are arguing about is the relative efficiency of sanctions and their alternatives (which is only a matter of more or less); they embrace the same theory of human nature.

The older debate about crime involved very different assumptions about human nature. Both liberals and conservatives (those terms, of course, were not in use at the time) agreed that crime was the result of failure in the moral development of men, in particular the failure of some men to learn how to control their impulses. "Conservatives" thought that human nature was fundamentally evil and that the family and church must work hard to overcome, by rigorous discipline, these base impulses; "liberals" thought human nature was at worst neutral and perhaps good and the task of the family and church was to guide those benign impulses into a "Christian character."

The current ascendancy of the rational-choice view of human nature—the view first sketched by Hobbes and then elaborated by Bentham—is in part the result of the disappointment of those who sought dependable evidence that criminals could be rehabilitated by plan, in large numbers, and at reasonable cost. But science alone rarely shapes our conceptions of human psychology; there were cultural and political reasons as well for the declining acceptability of the communal approach to crime. That view seemed, to many of its adherents, to require an intrusion into personal lives that was quite out of keeping with personal liberation and radical individualism.

The demise of Victorian morality, the inability of the state to recreate that morality, and the growth in personal freedom and social prosperity, have combined to produce an individualistic ethos that both encourages crime and shapes the kind of policies we are prepared to use to combat it. A liberal, commercial society committed to personal self expression thus discovers that it must rely more, not less, on the criminal justice system and on efforts to manage the labor market. Since 1960 we have invested heavily in trying to improve the criminal justice system and solve the problem of young adult unemployment. Partisans of one strategy or another argue about which tactic has received or should receive the greater emphasis, but in the long view this is little more than a policy quibble.

The factors that most directly influence crime—family structure, moral development, the level of personal freedom—are the very things that we cannot easily change or, for persuasive reasons, do not wish to change. The factors that we can change (though perhaps not as much as we wish) are the factors that have only a marginal influence on crime—laws, police and prosecutorial strategies, and government-created job programs. It is possible that very large changes in these formal institutions would make a larger difference, but we are reluctant to risk having a more oppressive police or a more meddlesome state. Besides, we are constrained by a sense of justice: When many are unemployed, it seems unfair to give criminals or would-be criminals priority access to jobs.

Societies that are not free need not rely heavily on the police apparatus to control crime, for, if they manage their unfreedom skillfully, they can use schools, neighborhoods, communes, political parties, and mutual spying to control behavior. Societies that are free need to rely more heavily on the police apparatus and economic management because they have foresworn the use of other meth-

ods. Law becomes more important as informal social control becomes less important.

The people are impatient with so bleak a choice, and have, by their actions, indicated their continuing attachment to a more communal form of crime control. Hundreds, probably thousands, of neighborhood organizations and civic enterprises have arisen spontaneously out of a desire to reduce crime by direct popular action. It is a measure of our times that these efforts are often resisted by the police as an intrusion into their official domain, and criticized by the intelligentsia as giving expression to the vigilante spirit. In truth, this recourse to informal, communal action is nothing more than a reaffirmed allegiance to a communal theory of social control, and a repetition of a manner of exercising that control noted by Tocqueville when he visited this country (at a time when crime was beginning to become a problem). He wrote:

> In America the means that the authorities have at their disposal for the discovery of crimes and the arrest of criminals are few. A state police does not exist, and passports are unknown. The criminal police of the United States cannot be compared with that of France; the magistrates and public agents are not numerous; they do not always initiate the measures for arresting the guilty; and the examinations of prisoners are rapid and oral. Yet I believe that in no country does crime more rarely elude punishment. The reason is that everyone conceives himself to be interested in furnishing evidence of the crime and in seizing the delinquent. During my stay in the United States I witnessed the spontaneous formation of committees in a country for the pursuit and prosecution of a man who had committed a great crime. In Europe a criminal is an unhappy man who is struggling for his life against the agents of power, while the people are merely a spectator of the conflict; in America he is looked upon as an enemy of the human race, and the whole of mankind is against him.

Today, the dominant ethos does not easily support such methods or such views. We have become a nation that takes democracy to mean maximum self-expression (though it never meant that originally), and to be suspicious of any effort to state or enforce a common morality. Democracy has become an end, though it originally was embraced as a means to other ends—a way (to quote the Constitution) of forming a more perfect union, establishing justice, insuring domestic tranquility, providing for the common defense, promoting the general welfare, and securing the blessings of liberty. In the hands of reasonable, decent people, a devotion to "self-actualization" is at best artistic or inspiring, and at worst banal or trivial. In the hands of persons of weak character, a taste for risk,

and an impatience for gratification, that ethos is a license to steal and mug.

We have made our society and we must live with it. If the philosophy of Hobbes and Bentham governs our explanations of history and our definitions of policy, so be it; no one, least of all fundamentalist ministers, is going to change that. And so we must labor as patiently as we can to make a liberal society work and to make the best and sanest use of our laws to control behavior without feeling embarrassed that by invoking the law, we are denying our liberal creed. Far from it—we are reaffirming it.

ENDNOTES

[1] Quoted in Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill, NC: University of North Carolina Press, 1976), p.66.

[2] See Roger Lane, "Urban Police and Crime in Nineteenth-Century America," in Norval Morris and Michael Tonry, eds., *Crime and Justice: An Annual Review of Research*, vol. 2 (Chicago: University of Chicago Press, 1980), p.27; Roger Lane, *Violent Death in the City: Suicide, Accident, and Murder in Nineteenth-Century Philadelphia* (Cambridge, MA: Harvard University Press, 1979), p.71; James F. Richardson, *The New York Police, Colonial Times to 1901* (New York: Oxford University Press, 1970), chap. 2; Ted Robert Gurr, "Contemporary Crime in Historical Perspective: A Comparative Study of London, Stockholm, and Sydney," *Annals* 434 (November 1977): 114-136.

[3] In addition to Lane, see: Ted Robert Gurr, "Historical Trends in Violent Crime: A Critical Review of the Evidence," in Michael Tonry and Norval Morris, eds., *Crime and Justice: An Annual Review of Research*, vol. 3 (Chicago: University of Chicago Press, 1981), pp. 295-353; Michael B. Katz, et al., *The Social Organization of Early Industrial Capitalism* (Cambridge, MA: Harvard University Press, 1982), pp. 206, 208-209; Eric H. Monkkonen, "A Disorderly People? Urban Order in the Nineteenth and Twentieth Centuries," *Journal of American History* 68 (December 1981): 536-559.

[4] In addition to Lane, see: Warren S. Thompson and P.K. Whelton, *Population Trends in the United States* (New York: McGraw-Hill, 1933), p.362; Theodore N. Ferdinand, "The Criminal Patterns of Boston since 1846," *American Journal of Sociology* 73 (July, 1967): 84-99; National Commission on the Causes and Prevention of Violence, *Crimes of Violence* (Washington, D.C.: Government Printing Office, 1969), vol. 11, p. 61.

[5] See V. Jones, "Relation of Economic Depression to Delinquency, Crime, and Drunkenness in Massachusetts," *Journal of Social Psychology* 3 (1932): 259-282; M.E. Kirkpatrick," Delinquency in Cleveland and Cuyahoga County During the Depression Period." *American Journal of Orthopsychiatry* 4 (1934): 383-386; Roy M. Simpson, "The Employment Index, Arrests, Court Actions, and Commitments in Illinois," *Journal of Criminal Law and Criminology* 24 (1934): 914-922; Glen H. Elder, *Children of the Great Depression* (Chicago: University of Chicago Press, 1974), pp. 275, 279, 287.

ETHICS AND PUBLIC POLICY REPRINTS

11. Is Capital Punishment Just?, *Ernest van den Haag*
The author concludes that it deters violent crime, affirms democratic social values, and is just.

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